

EXHIBIT 9

Morrell, Benjamin S.

From: Morrell, Benjamin S.
Sent: Thursday, April 18, 2024 4:02 PM
To: Andrew Cunniff; Wellhausen, Elizabeth
Cc: John Romanucci; John Galarnyk; Lefkofsky, Steven; Nicole Arroyo
Subject: RE: Wisniewski v. Mickey - Wisniewski Deposition Date

Andrew,

It's our position that documents within the temporal and search term limitations of RFP 21 are relevant to this lawsuit. For example, as mentioned in other recent communications, documents related to Mr. Wisniewski's work for himself or any other employer during the time he was employed by Mickey are relevant to this lawsuit. Mr. Wisniewski communicating with someone outside Mickey about his termination or seeking severance would also be relevant.

It is difficult for us to evaluate any overbreadth argument you may have re these search terms without numbers. How many hits are coming up for each of these 5 terms you highlighted? Hundreds? Dozens? We need to know what we are dealing with as the terms and parameters currently stand before we can work to narrow them.

Thanks,

Ben

From: Andrew Cunniff <andrew@galarnykltd.com>
Sent: Wednesday, April 17, 2024 6:26 PM
To: Morrell, Benjamin S. <BMorrell@taftlaw.com>; Wellhausen, Elizabeth <EWellhausen@taftlaw.com>
Cc: John Romanucci <JohnR@galarnykltd.com>; John Galarnyk <john@galarnykltd.com>; Lefkofsky, Steven <slefkofsky@taftlaw.com>; Nicole Arroyo <Nicole@galarnykltd.com>
Subject: Re: Wisniewski v. Mickey - Wisniewski Deposition Date

Ben,

The following terms are causing the most issue:

- fired
- fire
- termination
- terminate
- commission

Again, though, we are not going to produce documents that have nothing whatsoever to do with Mickey Group or this lawsuit. We assume you agree on that basic relevance limitation.

All the best,

Andrew

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From: Morrell, Benjamin S. <BMorrell@taftlaw.com>
Date: Wednesday, April 17, 2024 at 6:08 PM
To: Andrew Cunniff <andrew@galarnykltd.com>, Wellhausen, Elizabeth <EWellhausen@taftlaw.com>
Cc: John Romanucci <JohnR@galarnykltd.com>, John Galarnyk <john@galarnykltd.com>, Lefkofsky, Steven <slefkofsky@taftlaw.com>, Nicole Arroyo <Nicole@galarnykltd.com>
Subject: RE: Wisniewski v. Mickey - Wisniewski Deposition Date

If you let us know which terms are yielding hundreds of irrelevant results, we can focus on those terms and either eliminate them or add limiters to narrow the results.

From: Andrew Cunniff <andrew@galarnykltd.com>
Sent: Wednesday, April 17, 2024 6:03 PM
To: Morrell, Benjamin S. <BMorrell@taftlaw.com>; Wellhausen, Elizabeth <EWellhausen@taftlaw.com>
Cc: John Romanucci <JohnR@galarnykltd.com>; John Galarnyk <john@galarnykltd.com>; Lefkofsky, Steven <slefkofsky@taftlaw.com>; Nicole Arroyo <Nicole@galarnykltd.com>
Subject: Re: Wisniewski v. Mickey - Wisniewski Deposition Date

Ben,

I do not know the exact amount, but hundreds for some of the search terms, 99% of which have nothing whatsoever to do with Mickey Group or this case. It would not be time well spent for either of us to have to sift through so much white noise in a case of this size. Search terms can be helpful at times, but the standard in discovery is still relevance, so we do not plan to produce any documents that have nothing to do with Mickey Group. Again, this is not a documents case. I'm just hoping we can reach a simple agreement to stave off unnecessary motion practice in a \$50,000 case.

Barring an agreement, we'll plan to produce relevant documents and explain in our answers our methodology and what we did and did not produce, so that it is clear. You are free to file a motion to compel documents that have nothing to do with Mickey Group if you wish. We just want to wrap up written discovery, which has been going on for too long for a case of this size.

I welcome your suggestions for other limiting search terms if you would like to handle this cooperatively.

All the best,

Andrew

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From: Morrell, Benjamin S. <BMorrell@taftlaw.com>

Date: Wednesday, April 17, 2024 at 5:49 PM

To: Andrew Cunniff <andrew@galarnykltd.com>, Wellhausen, Elizabeth <EWellhausen@taftlaw.com>
Cc: John Romanucci <JohnR@galarnykltd.com>, John Galarnyk <john@galarnykltd.com>, Lefkofsky, Steven <slefkofsky@taftlaw.com>, Nicole Arroyo <Nicole@galarnykltd.com>
Subject: RE: Wisnfski v. Mickey - Wisnfski Deposition Date

Andrew,

We can consider narrowing the search terms. How many hits are there under the search terms as worded?



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Cc: John Romanucci <JohnR@galarnykltd.com>; John Galarnyk <john@galarnykltd.com>; Lefkofsky, Steven <slefkofsky@taftlaw.com>; Nicole Arroyo <Nicole@galarnykltd.com>

Subject: Re: Wisnfski v. Mickey - Wisnfski Deposition Date

Elizabeth and Ben:

Like you, we are running into the issue where many of your search terms are resulting in high volumes of emails that have nothing at all to do with this case or Mickey Group. I think it has been assumed, but can we agree on connectors to limit the white noise, as we did with your production? I propose limiting the production to documents that also contain the words "Mickey" or "Alex" or "Rabens". I struggle to think of any relevant documents that wouldn't also contain one of those words, but I'm open to reasonable suggestion.

Thanks,

Andrew

Andrew J. Cunniff, Esq.



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